

BEGINNING OF TAPE 1, SIDE A

WAB: We're on the record in the matter of Calice vs. Calice. I'm William Brisbois. I've been appointed Special Master pursuant to Michigan Court Rule 3.215(e)-(g). Present with me are Mrs. Calice who is represented by Mr. McLeod and Mr. Calice who is represented by Mr. Demetriou.

Mrs. Calice, would you just identify yourself for the record, please, so that we can identify your voice?

MJC: Melissa Calice.

WAB: Alright, and Mr. Calice.

RAC: I'm Tony Calice.

WAB: Alright. Would you both raise your right hands, please. You both swear to tell the truth in the matter here pending per the penalties of perjury.

RAC: I will tell the truth.

MJC: I do.

WAB: Okay, very good. Thank you. Counsel, what I would propose - - I guess I won't propose that. I'd ask you how you wish to proceed. Do you wish to proceed by presenting your client's in testimony or would you wish to proceed by me just asking questions of the clients?

TM: It's my understanding we're covering two basic areas. One is the income side and the other is some concern about the Maryland situation and I guess I would prefer you asking about the income side and then client interview on the Maryland situation.

WAB: Mr. Demetriou?

TJD: Yeah, I think you could start out asking all the questions you want if you reserve for us the right to cover _____ (inaudible) on either cross or direct.

WAB: Certainly.

TJD: Okay, thank you.

WAB: Alright. Let me start with Mr. Calice. Mr. Calice, I understand that you are employed, is that correct?

RAC: Yes.

WAB: Where are you employed?

RAC: FEI Systems.

WAB: And what do you do at FEI?

RAC: I'm the, ah, business analyst.

WAB: How long have you been with them?

RAC: I've been there since 2009, so, ah, 3 ½ years.

WAB: How did you come to be employed by them?

RAC: Ah, I came, ah, to it -- I actually met someone that lived in the neighbor who was a vice president there and, ah, I had 4 first days of work that year, so, um, one of the people that I met with --

WAB: Okay.

RAC: In a network.

WAB: And, when you originally started working there, were you residing in Michigan and commuting back and forth or did you move there?

RAC: Residing in Michigan, so, um, I'll (inaudible) for a time just, you know, would fly up Monday morning, fly back on Thursday.

WAB: Okay. How long did you continue that program?

RAC: Oh, is that flying to and from? So I started it in May, you know, just a consulting thing, so it started in May of, I believe it was (inaudible), was it May of 2009.

WAB: Okay.

RAC: Um, it was May, I remember. And then we did this for about two years.

WAB: Alright, and then there came a time when you decided you would reside --

RAC: We chose to, we, you know like I said, we would either need to pick a state, we'd either need to chose to live in Michigan and live off of what we could make in Michigan or we would live in Maryland and _____ of Maryland _____.

WAB: Alright. So the two of you had some discussions. Pursuant to that, did you move to Maryland?

RAC: Ah, I guess, ah, I spent, I guess, um, I did not move anything to Maryland until we started living there, but assets didn't move to Maryland until - -

WAB: No, but I'm talking about you, ah, your, you physically. When did you begin to reside in Maryland?

RAC: Ah, I guess I began residing in Maryland when my children were there. That's a fussy. I spent more calendar days.

WAB: Okay. I need a - -

RAC: Spent four days _____ (inaudible)

WAB: Okay, so I need a month and year.

RAC: October 2011.

WAB: Okay, and when did your wife move to Maryland with you?

RAC: October 2011.

WAB: So, you were not residing there prior to her moving there?

RAC: I'm not, I'm not trying to be difficult. I lived while working there, I was staying in Maryland while I worked there and then when I was not working, I was staying with my family in Michigan.

WAB: Okay.

RAC: So actually in two states.

WAB: Alright, and that would be the earlier part of 2011.

RAC: Yes, earlier part of 2011.

WAB: Okay. Approximately out of the month, how many days would you stay back there in Michigan? How many would you be down in Maryland?

RAC: Um, in Maryland I would be there approximately 4 days.

WAB: You would be in Maryland approximately 4 days.

RAC: Yes. Fly out Monday morning and be either fly back on Thursday evening or Friday.

WAB: Okay, and that was done on a weekly basis?

RAC: Weekly basis.

WAB: Okay. So, in October 2011, your wife and the kids moved down to Maryland with you, is that correct?

RAC: We all moved there together. In fact, they moved the stuff up. They beat me there.

WAB: Okay. And, during that period of time you were employed by FEI, were you also employed by a consultant service?

RAC: I, my, I was doing independent consulting during that period.

WAB: Okay. When did you begin to do the independent consulting?

RAC: May of 2011. No, I'm sorry, May of 2009. I'm sorry.

WAB: And, this was independent business consulting, is that correct?

RAC: Ah, hum.

WAB: Okay.

RAC: It was just a survival _____ (inaudible). The economy wasn't really great. We were on the cover of Time Magazine. General Motors had went bankrupt, and I couldn't support my family off of \$35.00 an hour, so I started consulting.

WAB: Okay, good. I've been given some Schedule Cs for the last, ah, for 2011, 2010, and then I've been given a tentative Schedule C for 2012.

RAC: Yes.

WAB: It appears as though you, in 2012, you became very successful in the consulting business?

RAC: Yeah, this product is just, it's all network relationship based and I captured, you know, a lot of network relationship that are built and a lot of them hit, um, so there were periods of times I would have like an embarrassment of riches where there's just more work than I could even, you know.

WAB: It's nice to be embarrassed though.

RAC: If I can, yeah. It's a happy problem that I had. I didn't - -

WAB: Let me ask a question. I guess it's one that struck me off the bat looking at these numbers. If you were making more from your consulting business, why did you chose to stay at FEI.

RAC: Um, it's, you know, it's just not finances, but the risk thing. So, I get paid more for the higher risk and, by higher risk, it's not guaranteed worked. They pay me more because I promise to go away if they don't need me. At FEI, it's more, it's more a risk so they don't pay you as much, but they also say, hey, we have a whole business development department that _____ (inaudible), so, um - -

WAB: Exactly.

RAC: You know, so the reason why was just, you know, I wanted just to go back down to having, you know, one job not two jobs and, you know, you have, could have a lifestyle where I just worked one normal job, especially with Melissa working. We didn't have to take that type of risk.

WAB: Okay, so the decision to quit the second job was one that you made based on the fact that you wanted more time with Melissa and wanted more time with the kids.

RAC: Yeah. It's a quality of life thing. And we started this, you know, even back in June, we starting having emails saying like how would this impact our lifestyle, we need to make these differences in our lifestyle so we spend, you know, so we don't need the outside month(?). And so we started having emails like once a month, do you remember, it was like the budget was the subject line.

WAB: Okay. Alright. So, when did you make the decision that you were going to abandon the second job.

RAC: Um, I think May or even sooner. There is an email - - the email started off like, I know that it was - - must have been around May if not sooner cause we had emails that this was what we needed to do with our budget so that we don't have, you know, when we don't have consulting.

WAB: Okay. You talk about _____ May, 2012?

RAC: 2012, correct.

WAB: How many hours do you put in at FEI?

RAC: It fluxuates, um, so there are times where, um, it can be, you know, extremely high just cause they are launching a product where everybody sixty(?). I've even gone so far as recently that its _____ (inaudible) launched a lot of new products and I'd have to _____ (inaudible).

WAB: How much of the week or how much of a month was the consulting business taking?

RAC: Um, during that time I, you know, minimized the effort but the, you know, consulting, a lot of times it could happen very simultaneous so, I don't know, it's 40 hours a week for

the consulting, so I was still basically giving 80 hours.

WAB: Okay. And I understand that you have now terminated the consulting business. You are no longer doing that.

RAC: I am no longer doing that, yeah.

WAB: Okay. And what do you believe your W-2 is going to show from FEI for this year?

RAC: We just looked at that calculation before we came over and, so, you may have, there might be an error in my estimate. I thought it was going to be \$130,000 and we did the calculations before we came over and then you guys saw in the meeting that she had here just before we started up there was some deduction.

WAB: Yeah. Are the deductions that are being taken out of your pay for 2013 the same deductions that were taken out for 2012?

RAC: Yes, there's same with the addition of the child support that started in March or February.

WAB: Okay. So, if you had \$120,703 in taxable W-2 and you're projecting \$130,000 taxable W-2, ah, the same approximate \$10,000 or so of deduction would be taken out is that correct?

RAC: I - -

WAB: 401(k), ah

RAC: Yes. I - - the same deductions with, you know, the deductions I have in this year would be the same as last year. I haven't changed it.

WAB: Okay. So, then your projected W-2 should be somewhere around \$140,000 for 2013.

RAC: Okay, and that - - I didn't do that math, alright. The _____ I took the pay stub and I'll defer it to you guys, but I took the pay stub and I just multiplied it by 24 pay periods.

WAB: Yep, and that's fine.

RAC: Okay.

WAB: I just - - the reason I'm saying it is under the Michigan Child Support Manual the monies used to calculate child support are not necessarily the same dollars used for tax purposes. There are some things that are allowed, some things that are disallowed, okay.

Now there came a time in 2012, ah, when your wife left the State of Maryland, is that correct?

RAC: Yeah, I remember that yeah.

WAB: Okay. When was it?

RAC: Ah, she left the State of Maryland what was it, August 1st.

WAB: Okay. And prior to her leaving, were there discussions about her leaving?

RAC: Yeah, she had a calendar of, you know, end day vacation.

WAB: And, your attorney has certainly represented in our conversations that you basically had no idea that she wasn't coming back, is that correct?

RAC: Yes.

WAB: Okay. How would you characterize your relationship in your marriage during that period of time?

RAC: How would I characterize it?

WAB: Yeah, June, July, August 2012.

RAC: Well, it, you know, from my prior, there were some things that seemed off in the marriage but I didn't, I wasn't sure if that was related to us moving, you know, moving to a different place, her starting a new job, or if that was material so, there were some, you know, ah, so, but it seems like, ah, like a normal healthy marriage to me, you know, Melissa was registering the children for private schools that we were really pleased with. Um, I felt like we were starting to connect on some things that had a harder time earlier. We used to struggle. We still, obviously, struggling now, but like budget stuff that we were starting to, I don't know, communicate just a little bit better, so I felt like some parts of the marriage were like a little bit better. Obviously, no. You know, that there were parts that weren't well while you guys were meeting but, ah, from my, from what I saw, I saw things that were good and things that were hot.

WAB: Okay. So what you're telling is that your wife deciding not to come back to Maryland came as a total surprise to you.

RAC: Yes. I was knocked flat on my back, literally.

WAB: Okay. Now, Mr. Demetriou's brief has also related that because she left, there were additional expenses you had to incur. Could you give me an idea of what those expenses were?

RAC: Well, the big one are, and, you know, I wasn't price lining this stuff, I wanted to see my children and it was kind of a scary thing, so I was - -

WAB: You made books. And I don't mean to interrupt you, but additional expense in terms of house, credit cards, ah, whatever.

RAC: Okay. So, I had the expense of hotels. I had an expense of, you know, that I would have to, um, add when I was there in Saginaw that, you know, the Judge said I could - -

WAB: No. Maybe I'm not being clear.

RAC: Oh, sure.

WAB: Prior to your wife coming back to Michigan, you had a certain set of expenses and those expenses were for both of you.

RAC: Yes.

WAB: After she left, what of those expenses did you have because she left, and I'm not talking about hotels and visitation expenses yet. Was there anything that you expended money on that was purely for your wife or the children.

RAC: Okay, so I spent money on, I guess, a car that is effectively my wife's car. Like paid off the car.

WAB: Okay.

RAC: Um.

WAB: When?

RAC: It was like on August 1st or July 30st, um, you know, so that, um, other expenses, you know, I don't know what's in there, but, you know, she just had free access to my, you know, this saving account and, you know, she spent a couple thousand dollars on, you know, on her, you know, expenses, even though that wasn't hers to spend. I guess after the whole, um, the meeting with Denise Clack, she was supposed to be responsible for her own expenses so - -

WAB: Okay.

RAC: So, um, there's the health care, um, you know, 4 figure health care things, there were also parts, you know, I didn't cut off access to joint accounts and so, you know, there's, um, expenses on like buying electronics from Apple Stores. Um, these were not, I mean, these were \$100 pizza parties that I didn't, you know, chose so, I guess there were a lot of expenses that she incurred because I didn't like shut off any access.

WAB: This is after she left?

RAC: Yes. Yes. After she left, she spent like \$100 on pizza and, you know, a bunch of just like bizarre things. Like, you know, we are little bit more frugal on that one. We don't spend \$100 on pizza. It's like Little Caesar's is \$5 a pizza.

WAB: How much did you pay on the car?

RAC: On the car? Do you remember how much? I - -

MJC: It was like \$_____ (inaudible)

TJD: You can't ask her. Just from your memory - -

WAB: If you don't remember, that's fine.

RAC: I'm gonna guess \$10,000.

WAB: Alright. So then you continued to live in the same home in Maryland, basically had the same expenses, correct?

RAC: Yes. I was paying for _____ (inaudible) - - I was now paying, my second time I paid tuition so I had already paid tuition for private schools that they were enrolled and then - -

WAB: I believe you paid for an additional month, is that correct?

RAC: No. I had already paid - - they were _____ (inaudible) for example was to go over to the preschools at the same time last year. So she was enrolled once by Melissa to St. Pauls and then unenrolled, but we didn't get that money back. Then she was enrolled again in Steph's Monisouri in Michigan by Melissa, and then she was enrolled again at Goddard school so she could have her spot held for her _____ (inaudible).

WAB: The money you paid to the Goddard School, that was paid after the children had moved back to Michigan, correct?

RAC: That was paid after they had been taken to Michigan and there is a legal dispute as to whether or not that was even possible.

WAB: Right. And it is my understanding you made those payments to reserve their spot at the Goddard School, and they were for what, \$1200, \$2000?

RAC: Um, I think all together I thought it was \$2500. Other expenses, you know, being insurance. I guess that's not an additional, so I'm paying insurance on a car that I don't have but I was always paying that so. .

WAB: Okay.

RAC: And so the additional expenses of see my children that are 650 miles away, that's not part of that question _____ (inaudible).

WAB: That's another question.

RAC: Okay.

WAB: That's another question. Now, in your consulting business, would clients typically be repeat or would they be all sort of fresh.

RAC: Um, it's relationship based so they, let's see, so one of them was homeland security was a recent client. They have two different vendors but I repeated with them at least 3 times.

WAB: When was the last consulting work that you did?

RAC: Ah, last consulting work was, I believe it was the last week in July.

WAB: Okay.

RAC: And then _____ (inaudible) 1 or 2 days in August. I sent you the invoices on it. So whatever is on there, it's all the work we did. Melissa, in fact, is the one that filled out the invoices so she probably even know better than me.

WAB: Well, the reason I ask is this. Melissa provided certain invoices and then I received a proposed W-2, or a proposed Schedule C from you. And the proposed Schedule C has some additional monies on it. So, I guess what I was interested in is when you received your last payments for your consulting.

RAC: Um, oh, the last payment would be approximately, it was net 90, so I'm guessing the last check received from consulting was September 15th, within five days. There is other outside account and this the difference in accounting things where there's this other outside income from a house that we lose money on every year.

WAB: I took a look at that and that's one of the questions I have hear in just a second. What I received was draft copy of a Schedule C. Have you filed a Schedule C yet?

RAC: No. My accountant doesn't even know really what to do yet. We have to know what Melissa is planning on filing or what she filed, and my accountant's 99% sure that this ends up in an audit so, _____ (inaudible).

WAB: Okay. Did you bring the supporting documents with you for your Schedule C?

RAC: I, ah, all the documents I have I've sent - - I don't have them on here, but all the documents related to it I've sent them in email. Um - -

TJD: To Mr. Brisbois?

RAC: Yes.

WAB: Well, a - - on your 2012 W2, um, you've got a travel and entertainment of \$332. You go back to your other ones and it was much, much higher. How did the nature of your business change in 2012?

RAC: In 2012, I was no longer flying back and forth. Um, more of, you know, like I said, the business had been more relationship based so, um, instead of spending time getting to know people on the airplane, I was now spending time getting to know the people actually in the city that I was living in.

WAB: Okay. Okay. So the big difference in deductions for 2012 as opposed to 2011 and 10, you're telling me those are attributable to the fact that you didn't have to do the travel any more.

RAC: Yeah. My travel is now on the ground. You know, I wasn't flying - - I wasn't going to airports to meet clients. I was either meeting clients, you know, at their office or at a location nearby their office.

WAB: Right. Okay. Good. Good.

In one year you showed, well, no, strike that. Alright, so Melissa moves up to Michigan. At that point, in order to exercise visitation, you have to come to Michigan, correct?

RAC: Ah, hum.

WAB: Were you coming to Michigan for any other purposes during that period of time from September 1, 2012 on. Do did you still have business relationships in Michigan.

RAC: I had no business in - - there's, other than the property management company was managing property and I have no management over that at all. And my purpose of coming to Michigan was to see my children that were 650 miles away.

WAB: From September 2012 through January 1, 2013, how many times did you come to Michigan to visit?

RAC: Um, that was, I spent some time trying to document that, ah, I can refer to one of the items that I sent earlier on, I would refer to that. Otherwise, I could go through that exercise again.

WAB: You sent me a bunch of - -

RAC: I think it's like Item 2 or Item 3, where I listed all the times I came here.

TJD: Less than 26?

WAB: Were print off confirmations from rental cars - -

RAC: Oh, not that one. There's one where I said brought Melissa these, you know, these things on these dates. Well those dates correspond with the time here in Michigan.

WAB: Okay.

RAC: Every time I was in Michigan, I brought her stuff.

WAB: Yep. That's the one you sent me as it relates to the personal property.

RAC: Yes. So we can use that as the number of times that I was in Michigan.

WAB: I'm assuming that those were not times that you flew?

RAC: No, I even - - When I'd fly, I would even bring stuff as well. Um, that was until she stopped returning the suitcases, so I don't have suitcases anymore, but - -

WAB: Um, so in order to calculate expense, I can take a look at the property sheet and determine how many times you came up, is that correct?

RAC: Yes.

WAB: Okay. Now, from January 1, 2013 to date, how many times have you been here for visitation?

RAC: This is my second time. Well, I - - and it's, I don't know if I'll get visitation. I've been trying to talk with Melissa and she's not acknowledge it, but I would like to have visitation with my children, um - -

WAB: Well, then I think what we'll do is before we adjourn today, um, I'll begin some discussions with the two attorneys and that will be decided.

RAC: That would be great.

WAB: Okay.

RAC: Ah, and then last time I saw them is, you know, I only got a chance - - she would only let me see them for a couple of hours.

WAB: Okay. And that was here in Michigan.

RAC: In Saginaw.

WAB: Alright. Mr. Demetriou, anything else you'd like to present through your client's testimony.

TJD: I'd like to ask him some questions just to follow up on what you talked about.

WAB: Perfect. Okay.

TJD: Tony you previously had indicated that your - - you get yearly reviews from your employer?

RAC: Yes.

TJD: Okay. And, um, outside income is not totally prohibited. Is that correct?

RAC: Correct. I've had conversations with work and so whenever I did consulting, I would show them the contract that I was gonna have and they would approve it.

TJD: Okay, but, so, to make sure there was no conflict of interest?

RAC: Exactly.

TJD: Okay. However, did there come a time when you got a review and the review wasn't, you know, perfect?

RAC: Until recently, no. The divorce has been not great on me so. The divorce is causing me to miss a lot of time at work. Um, that 2 weeks where, I mean, I was given 2 weeks to be with my children but that was impromptu and I missed a lot of important things at work during the few weeks I was in Saginaw. I received a negative. That was the first time I receive, you know, overall it was an okay performance, but there was a negative part on the attendance and, ah, also based on that, in fact, I would not agree to have, you know, you're too distracted. Now, you can't be with outside consulting. Um - -

TJD: Okay, so you're not totally prohibited, just suggest that you no do it.

RAC: Well, he told me that he will not, my manager said he would not approve any outside work, um - -

TJD: Okay.

RAC: And that's, you know, he'll probably get the review again, in the next performance review that I'm too - - I can't

TJD: And that's something they furnished Mr. Brisbois with, right?

RAC: I sent that to Susan. I believe that was - -

TJD: Okay.

WAB: I can clear it up for Mr. Demetriou.

TM: In clarity. What are you referring to Tom?

TJD: The review that he got.

WAB: It was never sent here.

TJD: You never got it. Okay. We'll make sure that you get that. I don't know if I've got it with me, but if we would could turn it in.

WAB: Maybe if you could inquire of your client when that review was made.

TJD: When was that review that you got?

RAC: Um, can I check my phone?

WAB: Sure.

TJD: Sure.

RAC: Tom, I sent that to you in March so that review is I'm - -

END OF TAPE ONE, SIDE A

BEGINNING OF TAPE 1, SIDE B

WAB: Alright, so we believe the review is approximately March 2013?

RAC: Yes.

TJD: And you got your email, ah, _____ Tony, Mr. Brisbois, it looks like on - - Tony did give me this previously, I'm sorry I didn't give it to you, but here, I'll give you a copy of it dated March 19th.

WAB: We'll find a place on here.

TM: 20/13.

TJD: Printed on the 15th.

RAC: If you give me your email address, I can forward this to you.

WAB: I didn't mean to interrupt you, go ahead.

TJD: Entirely. I'm glad you called to my attention you didn't get it. Okay, now Tony, so you and Melissa have already made a decision even before your boss told you that they didn't want you to have any outside employment, you and Melissa had decided you weren't gonna do that anymore.

RAC: Yes. That was the whole purpose of moving to Maryland is so I could see my family everyday and I didn't have to do the two jobs.

TJD: Okay. And have you had any outside income so far in 2013?

RAC: Aside from the rental property at this Lucy _____ (inaudible)

TJD: No, I'm not talking that. I'm talking about your consulting business.

RAC: No consulting business in 2013.

TJD: Okay. And then Mr. Brisbois asked you if you were maybe going to make \$140,000 in 2013 whereas I thought you had indicated to me earlier that you would make \$130,000 based on 24 pays.

RAC: That's - - yes, I did the math, I looked at the W-2s, and I multiplied it by the 24 pay periods.

WAB: Maybe I meant, maybe I was confusing him. My question to him, the pay periods would reflect his W-2 income for federal taxable purposes, whereas there are certain allowed from federal tax purposes that are not allowable for child support calculations.

TJD: Correct.

WAB: So what I asked him was based on 2013 earnings, will there be approximately the same number of IRS deductions, that is, 401(k), health, and that's how we got the \$140,000.

TJD: Right. But the only thing I wanted clarify is that in looking at his 2012 W-2 he made \$130,000, and there was some confusion about what should be used for child support purposes, and I was thinking maybe it was \$120,000, and we clarified here today that he made \$130,000. But, your question was, was he going to have the same deductions. He said yes, but I thought you said - - you were asking whether he was gonna make \$140,000, and I heard, I wrote down he yes.

WAB: Yes, that's correct.

TJD: So, I want it clarified. Are you gonna make \$140,000? Are you on track to make \$140,000 in 2013, or are you going to make \$130,000 in 2013?

RAC: I'm at W-2.

WAB: Maybe I can straighten it out for you.

TJD: Okay.

WAB: He's going to make a \$130,000 IRS taxable dollars.

TJD: Yeah, I think that's what he gonna - -

WAB: With the addition back of the non-recognized under the Michigan Support Formula, under the non-recognized deductions, he will make approximately \$140,000.

TJD: I don't think that's what he's saying. I think what's he's saying is he makes \$130,000 gross, but there is deductions that shows his taxable income as \$120,000. That's what happened in 2012. So, if he's making \$140,000 whatever it is, it is, but I think you're expecting - - and I'm trying to put words in your mouth, you aren't gonna make a \$130,000 in 2013 - -

RAC: From what I know, and I take _____ (inaudible), I believe I would make \$130,000, but from what I heard and, I, you know, I also validate that there are people here smarter on, you know, _____ (inaudible)

WAB: I guarantee I'm not one of them, so - -

RAC: I heard you say that there's \$10,000 taken from there that shouldn't be. I'm not saying that, I just know that if I take a W-2 - -

TM: It's permissibly taken, it's just not taxed. Not taxable.

WAB: Right. There's nothing wrong with taking those deductions.

RAC: Well, that's how I did my - - I only know what's on the W-2 and I multiplied it by 24.

WAB: Right, and that's fine.

TJD: So, \$130,000 will be your gross and then if you contribute to your 401(k) or health savings plan, you may not be taxed on that, that's what you're saying.

WAB: No, that's not what he's saying, Tom.

RAC: If you take a look, I can, if you take a look at my 2013 stuff, if you take a look at that number where it says gross, if you circle that number and you multiply it by 24, which is what I did, you get \$130,000. That's what I'm testifying that I did. I multiplied that,

what it said gross in my pay period, by 24 and that gave me a \$130,000.

WAB: Do you have a copy of this stuff with you.

RAC: That's in the, um, it's in the, what I - -

WAB: See, I know it is. I was just trying not to put it - -

TJD: Then you don't have to look for it, I don't blame you. _____ (inaudible)

WAB: I've got that. I've got some early ones.

RAC: It's in that packet where I'd it was Item 1, Item 2.

WAB: You're more organized than I am. Okay. Yeah, um - -

RAC: In fact, that was one of my better Subpoena responses of this _____ (inaudible).

WAB: Probably was. Maybe I just didn't understand. Now these are 2012s. Yep, these are 2012, but I know I have - -

RAC: Yeah, _____ (inaudible) like that, Tom give these things to respond to and then I formatted it so it's like Item 1 - -

WAB: I know that I have the 2013 stubs so I can take a look at those. Because, I think the gross, if you multiply it, was the gross after your - - adjusted gross after your 401 was taken out, after your medical costs were taken out.

RAC: Okay, I, ah, I'm just gonna have to see the paper. I can show you what I did.

WAB: You're gonna make me dig through my own file to find it huh? Okay.

RAC: Well I sent it as a hyperlink too.

WAB: You did fine. You did just fine. It's me. I seen my secretary did a great job organizing this file.

TJD: You know, Mr. Brisbois, I know I have it in the trunk of my car so before we leave here today - -

WAB: Okay, I can figure it out. Sorry to interrupt.

TJD: That's okay, no problem. Okay, tell me. You say it was a mutual decision to, um, stop the outside income.

RAC: Correct.

TJD: And then you said you've saved emails - -

RAC: Yes.

TJD: - - or you sent Melissa emails about what? About what.

RAC: About how we were gonna change our budget to accommodate not having the outside income.

TJD: Okay.

RAC: There's an email _____ (inaudible) we discussed because we agreed to make some changed to accommodate _____ (inaudible).

TJD: Was Melissa in agreement with the idea that you should stop the consulting income.

RAC: Absolutely. That's why she started her job so, you know, and she wanted to go back to work anyway and that's why we had two incomes.

TJD: Okay, and so, she had a job making approximately what, \$45,000 a year?

RAC: \$45,000 a year, yeah.

TJD: In Maryland?

RAC: Yep.

TJD: Okay. And, um - -

RAC: Between that and the income from FEI, that's more than enough to raise a family.

TJD: Okay.

WAB: Mr. Demetriou, maybe I can _____ (inaudible) a little bit here.

TJD: Okay.

WAB: Ah, child support formula manual, the guidelines, do not allow, ah, imputed income of a second job, if your first job's at least a 40 hour week job. It specifically - -

TJD: Okay, so I'll get off that subject. Tony, um, you indicated you paid for, paid off Melissa's car.

RAC: Yes.

TJD: Whatever the balance was.

RAC: Yep.

TJD: And that car's still titled in your name.

RAC: It is.

TJD: And you're insuring it in Maryland?

RAC: Yes.

TJD: And you have no difficulty signing the title over to Melissa?

RAC: I would prefer to do that, yes.

TJD: Okay. And then Mr. Brisbois asked you about what expenses, what additional, I think is what he meant to ask you and did ask you, I'm gonna make sure we're on the same page here. He was asking you what additional expenses did you have because Melissa left, and you said something about the schooling and that, you know, you tried to reserve a spot at Goddard for, you know, and things like that.

RAC: Yes. And then there's, and there's - - our situation was pay the school that was never used, so - -

TJD: Ah, hah.

RAC: You know Melissa had tuition paid for at three different schools.

TJD: Okay, got that. I heard you're testifying about that. But, was there also a situation where you had to renew your lease?

RAC: Yes.

TJD: In October 2012.

RAC: Yes, that's - -

TJD: Did you renew that lease?

RAC: I did renew the lease.

TJD: Okay, did you renew that lease on the chance that perhaps the court would order the kids

returned to Maryland?

RAC: Yes.

TJD: Okay. What did - - what do you pay per month for your property there?

RAC: Ah, that's \$1,950.

TJD: Okay, and that's - - and that was - - that residence accommodated the 4 of you, okay?

RAC: Yes.

TJD: Okay.

RAC: This is money for a, you know, a 4 person home, so - -

TJD: If you thought the kids were not going to come back, would you have rented that place again.

RAC: No, I would have - - I even said I would find something a little closer to work and then, you know, better suited for the new situation.

TJD: Okay. When does this lease expire that you have now.

RAC: Ah, the person said that, you know, I would have to work it out, so I'm not sure. I know I have it at least until October, but I might be able to get out of it sooner.

TJD: Okay.

RAC: And _____ (inaudible).

TJD: At the time Melissa left, did she have student loans.

RAC: Yes.

TJD: Okay. Were you paying those?

RAC: Yes, I was.

TJD: and how much were you paying per month on her student loans?

RAC: Oh, jeez, it's at least \$1,000 a month.

TJD: Okay, and for how many months did you pay her student loans after she left in August 2012?

RAC: Ah, at least 2 maybe 3 months.

TJD: Okay.

RAC: Yeah, I believe the last one was Thanksgiving, so through November.

TJD: Okay, Alright.

WAB: How much were those a month?

RAC: I believe it's a total of \$1,000

WAB: Thank you. Mr. Demetriou, I'll show him the 2013 pay stub and if you multiple it out times 26, it comes to \$140,833.

TJD: But he only gets 24 pays.

WAB: 24 pay periods?

RAC: Correct.

TJD: You get paid twice a month, so, _____ comes out too, right?

RAC: That's correct. _____ (inaudible). Is my insurance net 26?

WAB: 52 weeks in the year, yeah.

RAC: It's only paid, I mean, check the _____ (inaudible), it's only 2 times a month.

TJD: Well, that's - - 2×12 is 24.

RAC: There is a total of 24 pay periods and that's it.

TJD: Okay.

WAB: Okay, so sometimes the payment is for 15 days, sometimes a payment for 16 days.

RAC: Yep.

TJD: Okay. When did you first learn Melissa was not coming back.

RAC: Um, it was 5:00 o'clock, right around 5:00 o'clock on the day that she was supposed to be, you know, returning. And it was just a, you know, it was kind of a frightening phone call that she was - - basically, I thought maybe someone had died and, you know - -

TJD: So, when was she supposed to come back. We need to give Mr. Brisbois an idea?

RAC: Um, I believe she was supposed to be out her the 10th, but she was supposed to come back, and, kinda of a bore now, but it's suppose to be August 10th sometime, you know, early afternoon I was expecting, you know, that they'd be back and they didn't get back until, well, they didn't come back.

TJD: Okay, so from August 1st until August 10th, did you talk to her on the phone?

RAC: Yeah, we had conversations. Rocco lost his first tooth, um, while he was there. Um, you know, we talked about like how much the tooth fairy would give him, ah, you know, there were pictures, yeah - -

TJD: You were exchanging pictures by phone or something?

RAC: Yeah.

TJD: Okay. And, ah, did you have any idea where she was from August 1st to August 10th?

RAC: Well, you know, some pictures were at Higgins Lake, some pictures were at, um, at, um, some party with a bunch of woman where you guys _____ (inaudible) or something like that. I thought that was a weird joke. Um, I don't recognize that location. Ah, so - -

TJD: Okay.

RAC: Approximately, I'm guessing like somewhere at Higgins Lake or some over my parents' spot up in Torch Lake as well.

TJD: Okay, so she was with your parents or her parents during this period of August 1 to August 10th.

RAC: Yeah.

TJD: When she left, what did she, she left in her vehicle?

RAC: Um, she, yeah, the one she drives _____ (inaudible).

TJD: Okay, with the kids?

RAC: Yes.

TJD: Anybody else?

RAC: Nope.

TJD: Okay. And, what did she take with her?

RAC: I don't know. Well I do know that _____ (inaudible) the camera, but I believe both of our, you know, video recording camera and like the still shot, um, I don't know what else.

TJD: Does she have a computer?

RAC: Yes. She has a computer.

TJD: Did she take the computer with her?

RAC: She took the computer there. She took two computers.

TJD: Does she have an IPAD?

RAC: Yeah, an IPAD.

TJD: She took her IPAD and two computers?

RAC: I think so. At least one of the computers. I don't know if she took the small one.

TJD: And she took clothing for herself and the kids.

RAC: I believe so. I don't know what all was packed. I know that she shipped over 100 lbs. of things FedEx 5 days prior to that.

TJD: 5 days before going, she shipped 100 lbs. of things to Michigan?

RAC: Yes.

TJD: Do you know what those things were?

RAC: I have no idea. I know they were signed for by Mary Goddard.

TJD: Okay. And so, when you called her. This you say was around the day she was supposed to come back which you think was August.

RAC: Yeah, that's when I found out that, you know, I started talking to her in the morning just to kinda see when she was coming back and - -

TJD: What did she say?

RAC: Um, actually, I joked and said, you know, has your mom like barricaded the driveway, she doesn't want you to come back. Well, turns out she was actually must have been finishing up some paperwork to file for her separation or whatever to get that done in the morning. So, no - - like she gave some evasive response and that's _____ (inaudible).

TJD: She did not tell you in August that point blank I'm not coming back dude? She didn't tell you that?

RAC: Correct. And it wasn't until like 3 in the afternoon that she indicated that oh, the kids are going to stay in Michigan for, you know, the rest of the week, you know, _____ (inaudible) and that why - -

TJD: And what did you say?

RAC: I said, I can't believe, that's just, I can't believe you did that. I would never have done that to you, just like, we were gonna go to Houghton Beach _____ (inaudible), we were talking about it.

TJD: Well, then, at what point did it become clear to you she wasn't coming back?

RAC: Ah- -

TJD: She told you something or - -

RAC: Well, then at five o'clock in the afternoon, you know, I called back, I was just, you know, started to put things together and said this is not right, like, start telling me this. Everyone is alive, you know, let's just start there, is everyone alive. Yes, everyone's alive. Is everyone physically, you know, healthy? Is anyone maimed? Everyone's physically healthy, no one's maimed. Then, I'm like, now that was good. Then I said, okay, well, what's going on? And she said, well I don't want to tell you, you know, until your present. And I said, well, that's great, but, you know, you know, keep on - - give me some more information cause I - - you know, this is just weird, I don't want to have anxiety like that. It's good to know that everyone's healthy, you know, cause I - - I was really concerned and so, um, she eventually said I had decided to file for divorce and, you know, everything else kinda went into a blur. I just remember the immediate _____ (inaudible)

TJD: So that's all you know?

RAC: Yeah.

TJD: Okay. And then did you send her some emails in response to that conversation?

RAC: Um, some, you know, we had some text messages. I was - - that day was just a blur.

Like I, ah - - so I would have to - -

TJD: Okay.

RAC: go back. I just know that there were some messages that came. I was - -

TJD: Did you talk to her after that?

RAC: Um, a little bit on the phone. She was gonna come over. I, you know, I was just waiting there and she never came over.

TJD: Came over where?

RAC: She was gonna come over to the house cause she was gonna tell me in person.

TJD: Oh, what do you mean, she was in Maryland and the next time you talked to her - -

RAC: She indicated that she was coming to Maryland but I don't know if she was there or not. Um, and so, I looked at her Easy Pass statement so it looked like she was coming.

TJD: So, she was in Maryland because you looked at the Easy Pass?

RAC: That's, yeah, looking at the Easy Pass _____ (inaudible).

TJD: You talking about after August 10th?

RAC: After, yeah, after I was able to take a look from the statement to see that her car was in Maryland so she must have been in Maryland.

TJD: So, do you know how long from the Easy Pass reading, how long she was in Maryland?

RAC: I think at least a week.

TJD: And during that week, she didn't come to see you?

RAC: No.

TJD: And during that week she didn't try to take anything - - any of her personal belongings to Michigan?

RAC: Um, she said something where it was kinda bizarre that she wanted to come to the house, but she wanted me to have it unlocked and unoccupied. And, that seemed a little bit - - I thought that seemed a little bit weird.

WAB: Do you know what period of time are we talking about?

TJD: We're talking about the week - - are we talking about the week after August 10th?

RAC: Yes. So, August 10th which I believe was a Monday.

WAB: What did the Easy Pass show?

RAC: The Easy Pass indicated that she was, in a later account, indicated that she was in Maryland.

TJD: When, what date does the Easy Pass show she was, in fact, in Maryland?

RAC: Um, it shows her driving to Maryland on a Monday. If August 10th is a Monday - - I know it's a Monday. It showed her car coming to Maryland.

TJD: Is it the same day you were talking to her?

RAC: Yes.

TJD: But she didn't tell you she was coming to Maryland?

RAC: She said that - - she said that she was, you know, wanted to come and talk to me in person, but I - - in my mind it was, ah, it was hard for me to even remember how it happened.

TJD: Okay. Okay.

RAC: I been basically looking at facts trying to figure out what the heck happened.

TJD: Okay, so then, did the Easy Pass show you when she left Maryland?

RAC: Um, I believe so.

TJD: Okay. When she sent you an email saying she wanted to come by the house or whatever, that she wanted you to be gone and the doors unlocked or whatever, did you agree to that?

RAC: Um, I said that she could come to the house and, you know, come _____ (inaudible) if she wanted but I wasn't let her _____ (inaudible) so - -

TJD: Okay. And do you know if during that week is when she quit her job?

RAC: Um, I don't know - - I don't know exactly when she quit her job.

TJD: You don't know when she gave notice?

RAC: I don't know when she gave notice.

TJD: Okay. Did she work after August 1, did she work at her job in Maryland ever again?

RAC: I believe she did. When we were _____ (inaudible) that we had - - I think we have - - actually, yes she did. We have pay stubs showing that she worked.

TJD: Okay, and what - - in August?

RAC: In August.

TJD: Did she work in September?

RAC: No.

WAB: Let me just ask a couple more - -

TJD: Sure, go ahead and ask.

WAB: Are you contract at FEI?

RAC: No, I'm - - I'm an employee.

WAB: At will employee.

RAC: Yes.

WAB: Do you get any sort of a raise from 2012 to 2013?

RAC: Ah, yes.

WAB: How much?

RAC: I'm not even sure. Ah, I could find out - - I could find out from, um, Lisa who - -

WAB: When would you have gotten the raise? Would it be beginning of 2013 or back in 2012?

RAC: It's gonna show up sometime in 2013.

WAB: So if your pay stub now - - or the pay stub you sent me for January - -

RAC: I sent you all the way up to I think even March or whatever.

WAB: Are exactly the same as the pay stubs in 2012. You should have gotten a raise correct?

RAC: I - - there should be a raise in that, yeah.

WAB: Let me take a minute here. Mr. Demetriou, I thank you. The witness is yours.

TJD: Tony, you referred to your employer and you've already indicated your reviews were not stellar. Was one of the objections - - was one of the objections something to do - - reflect that on your attendance at work.

RAC: Yes.

TJD: Okay. I'm gonna show you - -

WAB: Tom, I think we went through it. I've got the email as far as a finding of fact is concerned, um, it will be that his attendance was the - - ah, lower rating was marked 19th 2013, it was based on lack of attendance.

RAC: Yes.

WAB: Yeah, so we're good with that.

TJD: Alright, yeah, I'm only covering that because it might reflect on, you know, how often he can come, you know, for parenting time, should he lose custody.

WAB: Okay, I don't

(Three people talking at once, tape inaudible).

WAB: No, I can't - - okay, I'm specifically - -

TJD: - - do not go there. Thank you.

WAB: Yeah, okay.

TJD: You said you don't know if your wife has filed on her own yet, is that true?

RAC: That's correct?

TJD: Okay. And you have not filed for 2012 yet?

RAC: I've, ah, put an extension in.

TJD: Okay, when is your extension up?

RAC: Ah, I believe it would be same as - - it would be, I'm assuming it's a 6 month extension.

TJD: Okay. And, um, did - - the last joint return you filed with your wife was in 2011?

RAC: Ah, it was the 2011 ones and we signed it and sent it in 2012. That was an extended one as well.

TJD: Okay, and not to go into a lot of depth, but the two of you still own the home in Royal Oak.

RAC: Correct.

TJD: And you said something about you're losing money on that home.

RAC: Yes.

TJD: Did the two of you on your 2011 return reflect a loss? Did you take a deduction for a business loss or something, do you remember, on the Royal Oak property?

RAC: Um, I know that we offset it. There's some accounting rules, so I know that a loss was recorded. Um, I don't remember exactly - -

TJD: Okay. How about for 2012? Will there be a loss on that rental property?

RAC: Yes.

TJD: Okay. And is currently rented?

RAC: It's currently rented.

TJD: Okay. And, ah, with respect to the other expenses, what does your tenant pay?

RAC: Ah, the tenant pays, um, what we receive after the property management takes their stuff out, is \$1,325.

TJD: And does that cover the other expenses needed to maintain ownership of the house?

RAC: Ah, that covers just a little bit more than the mortgage, but it does not cover the taxes or the insurance.

TJD: Okay, so at the end of the year, you have to pay out on that property more than you receive by way of rental income?

RAC: Correct.

TJD: Okay.

RAC: And it definitely doesn't cover, um, you know, any damages. You know, in the prior years, we, you know, paid in more than

WAB: Is the property for sale Mr. Demetriou?

TJD: I don't believe its for sale right now.

RAC: It's not for sale.

TJD: It's upside down in value is it?

RAC: Correct.

TJD: Okay. Do you know how much it's upside down in value.

RAC: My understanding is that it's close, but I don't know how much, um, so I'm not sure how much it is, but I do know we, you know, we refinanced last year and at that point, the bank said we were still upside down. It's gotta be within \$20,000.

TJD: Okay. And is that - - where is that place in Royal Oak? What's the address?

RAC: It's 620 Catalta Drive.

TJD: How do you spell that?

RAC: Ah, Catalta.

TJD: And, is that where your family was living when you started working in Maryland?

RAC: Correct.

TJD: Okay. And then eventually Melissa and the kids came out to Maryland?

RAC: Yes. Correct.

TJD: And so when did you start - - when do you recall that you started to rent it?

RAC: Ah, well we started to rent it, you know, shortly unsuccessfully. Um - -

TJD: What month, what year?

WAB: Mr. Demetriou, I think the only time period that I'm focusing on, um, is 2012.

TJD: Okay.

WAB: Yeah, cause the rest of it doesn't - -

TJD: Okay, thank you. Now your Schedule C for 2012 showed you had about \$150,000 of income from consulting, is that correct?

RAC: Ah, that's correct. It shows that, yes.

TJD: And about \$9,000 of business related expenses?

RAC: Ah, I agree - - whatever's on that, um, yes.

TJD: So you would have had an adjusted gross income of \$141,000 for 2012.

RAC: Yes.

TJD: Okay. And then Mr. Brisbois asked you when did you get the last money and you said something about you might have gotten the last invoices paid in September.

RAC: Yes. It was net 90, that was the payment terms on it.

TJD: Okay, and let me ask you if you had sent supporting documents to show the expenses on the 2012 Schedule statement, you said you did that?

RAC: That's not all the supporting documents that I have.

TJD: Okay. I guess that's at this time. Thank you.

WAB: Good. Any questions?

TM: Just a few. How may I address you this afternoon?

RAC: Ah, Mr. Calice.

TM: Mr. Calice. Thank you. Ah, Mr. Calice, who is preparing - - who prepared the draft Schedule C for 2012?

RAC: Ah, Judy Gaus.

TM: Is that your new accountant?

RAC: Yes.

TM: Where is this person located?

RAC: Ah, Pompano Beach, Florida.

TM: Alright. Have you provided this person with the back up for the Schedule C expenses you provided Mr. Brisbois?

RAC: Ah, she has had - -

END OF TAPE 1 SIDE B

BEGINNING OF TAPE 2, SIDE A

WAB: Thank you. You may proceed.

TM: You indicated you've sent the same information to this accountant that you sent to Mr. Brisbois?

RAC: Correct.

TM: The Schedule C provided is marked as draft. I believe in your testimony with Mr. Brisbois when you indicated the 2012 filing was being held up until it is determined whether you are going to file jointly with Melissa, is that correct?

RAC: Yes.

TM: Is the Schedule C, in your mind, otherwise final on its face even though it's marked draft?

RAC: Ah, it's not. There's more discussion we need to have with my accountant to find out what to do in this situation.

TM: Regarding?

RAC: Ah, the large arrearage, you know, the large amount that, um, that we owe the IRS on that. I want to make sure - -

TM: My question with regards to Schedule C, are there to be changes to the Schedule C?

RAC: Ah, I expect that there could be, that's why she marked it a draft. She wants to look more thoroughly at it.

TM: So what changes would you anticipate to the Schedule C?

RAC: I hope, you know, that we identify that there is some more expenses that could be, you know, applied to that so the taxes would be less.

TM: Have you compiled further expenses and provided them to your accountant?

RAC: I - - that's reflects all the work that I have done. I have not done any other.

TM: Are you intending to do more work? Mr. Brisbois subpoenaed the records supporting your Schedule C for 2012.

RAC: And, yes, and I responded to that subpoena.

TM: The 2011 Schedule C was prepared by a different accountant, am I correct?

RAC: The 2011 Schedule?

TM: Yes.

RAC: Yes.

TM: And you recall having substantial travel expenses reflecting your Schedule C?

RAC: Yes.

TM: And it's my understanding from having spent hour after hour after hour reviewing everything you provided Jill in my office - -

RAC: Ah huh.

TM: - - that the bulk of those travel expenses was your airline expense back and forth to - -

WAB: Mr. McLeod, let me - - I don't mean to be rude or cut you short, but I think after hearing the testimony here and doing some review of the support formula, as well as some case law review, I don't believe 2010, 2011 Schedule Cs are going to be relevant to my decision or my recommendation.

TM: If it's not going to be relevant, then I'll forego any questioning regarding the Schedule C.

WAB: Alright, very good. Let me do this at this point. Let me interrupt you because I guess I've got something in my mind, but I'd like to hear from both of the attorneys on it. In relation to the child support guidelines, they utilize in certain instances income averaging over a period of years. It is my understanding that your client was getting W-2 income that varied greatly from month to month, then there would be a 12 month average in process used. We're talking here about Schedule C income, and they say to go back 3 years on Schedule C income and take a look at the 3 year average. It is my understanding, and the research I've been able to do, is the reason for that is so (1) if someone intentionally lowered their income just before filing for divorce, it would be compensated for in the prior 2 years. That is not the situation here; (2) if there was drastic fluctuation year to year in income, you would be setting up prospective payment, and that prospective payment shouldn't punish either party if there is a vast difference in income. However, what I've been asked to do here, ah, is set a retroactive payment, so I don't know that I have to income average and I don't know if the guidelines would ever call for income averaging when I have a set period of time and I have a set income for that period of time. Ah, income. Mr. Demetriou?

TJD: Yeah, I think your assessment of the way to approach is incorrect. First of all, for 2013 he not gonna have that income. He stopped having it in mid - -

WAB: Yeah, and I don't mean to piss you off - -

TJD: - - 2012.

WAB: - - cause I don't think - - I don't think you can impute the income to him for child support purposes for 2013, period. I'm talking about the months in 2012 that I have to set.

TJD: Well, that's what they're asking for. You did do that for that 4 month period, and our position is whatever he made - -

WAB: Is what he made.

TJD: Is what he made, and, you know, forget about 11, and 10 and 9.

WAB: Then we're all on the same page.

TM: Then we're all on the same page if we're not gonna 3 year average.

WAB: We're all on the same page.

TM: You got the numbers for 2012.

WAB: Good.

TJD: Yeah.

WAB: Didn't mean to interrupt you, I thought maybe I - -

TM: You eliminated any need for me to sit here for about an hour and analyze what we spent about hours

WAB: Then everyone knows - - then everyone owes me a great deal of thanks.

TJD: Then I'll start right now, thank you.

TM: _____ (inaudible) that we connected like this. As at least the attorneys discussed between themselves, perhaps, when the client stepped in. The only areas I'm really concerned about today are the income area which we've just addressed as far as Mr. Calice.

WAB: Income?

TM: The reason for leaving Maryland.

WAB: That's at?

TM: That's it. And we're not going into fault issues, or what lead up to this, or what's happened with that.

WAB: Nope.

TM: Um, I would suggest though the attorney did not mention this, that we might have a limited amount of testimony regarding the December 2012 efforts to return personal property because we have stipulated that you're gonna rule on the personal property.

WAB: I believe there was an offer made today, earlier, and that you haven't had a chance to discuss with your client.

TM: Right.

WAB: So, what I'd like to do is finish up the first two issues. We'll take a few minutes, you can discuss it with your client. If we're unable to resolve it in that fashion, then we'll come back on the record and testimony.

TM: Very good, very good. Let me just address something that's collaterally related to the income side of this. The Royal unit that Mr. Demetriou was talking to you about, um, may I presume you have no interest in keeping that asset as part of this divorce proceeding.

RAC: I don't have an emotion tie to it.

TM: No, I saying, is there any reason we shouldn't just get it on the market right now and cut the loss and stop the bleeding.

RAC: Um, I keep, I don't know what the factors are involved there to attempt, so I won't - - I will cooperate with whatever makes it simpler. If the attorneys agree that's it simpler, then I will cooperate with that.

TJD: He's talking about, not that he can't speak for himself, he wanted to know if it could be put on the market right now, would you agree to put it on the market?

TM: That's all I'm asking.

RAC: As long as my tenants don't, as long as there's nothing in the - - as long as it doesn't violate any other contract.

TM: You have to honor that, but can we get it listed and get it moving.

RAC: I'd be happy - - I would do that as long as my property manager doesn't say there's a legal impediment.

TM: Well, if he does, have in talk to Mr. Demetriou.

RAC: Hey, this my first time at the rodeo. I've not done this.

TM: Alright, so we're gonna agree to list Royal Oak, right?

TJD: Yep.

TM: You're indicating, just for clearing in the record, that it's your position that you and Melissa spoke during May 2012 about discontinuing the consulting business?

RAC: Yes.

TM: So it's not accurate to say that you're permitted to pursue that because your employer stopped you from doing that.

RAC: It's accurate to say that my employer literally sent an email that saying that we do not approval you to have _____ (inaudible) in consulting.

TM: And as far as any interest Mr. Brisbois has in why Melissa left Maryland, it's your testimony this morning that from your perspective, and if I'm paraphrasing incorrectly tell me, your perception of the world was you two has some issues in your marriage, it was otherwise fine.

RAC: Find it moving in a positive direction.

TM: Fine. And would you agree with what I saw in the series of emails that the initial move to Maryland was conditioned upon an agreement between you and Melissa that if it didn't work out, you'd both be coming back to Michigan.

RAC: The agreement was - - was that we wouldn't stay at a spot that was bad. And, I said, if Maryland was bad, we talked about possibly moving to Chicago, because her sister is there, or Milwaukee.

TM: You had talked about leaving Maryland, end the marriage if the situation didn't work out.

RAC: Not if the marriage didn't work out. It's hey, we are the Calices, and if we're in a bad situation, we'll move to a good situation, and Detroit's not being a good, and we go to Maryland. Maryland started not being a good one.

TM: You had disavowed a series of emails between you two after she left wherein you indicated, I told you before I wouldn't stop you from coming back to Michigan.

RAC: I've disavowed that our - -

TM: Those emails were - -

RAC: I packed the car that allowed her to go back to Michigan and paid for it. I don't - - I would, yes I would agree that I not only allowed her to go to Michigan - -

TM: I'm not talking about you allowing her to come back. I'm talking about you recognizing a prior agreement that you both would come back if it didn't work out in Maryland.

RAC: There is not such prior agreement that Melissa could divorce me - -

TM: I have volumes of emails to that affect.

RAC: I'm disavowing that there was an agreement that we would move to Michigan.

TM: Alright, alright. And how many times have you been in counseling before you moved to Maryland.

RAC: I believe we did premarriage counseling and we continued - - it was positive so we stayed with that counselor.

WAB: I'm gonna stop you right here. Ah, I don't believe that I am allowed to hear - -

TM: I'm not asking context - -

WAB: Well, I think Mr. Calice started - -

TM: Okay.

WAB: And I just, I wanted to cut you short there. In fact - -

RAC: You just want to know dates.

TM: I just want to know number of times. No substance. If you two were in counseling before you went to Maryland, correct?

RAC: Correct.

TM: You two continued counseling while you were in Maryland?

RAC: Yes.

TM: Correct? And you were in counseling for specific issues that were a trouble in the marriage, correct?

RAC: Not for specific issues.

TM: For - -

WAB: Again. The fact that they went to counseling is fine. There is in fact a criminal statute in the State of Michigan, ah, that if you bring in or allow the content, your liable and I don't want to see Mr. McLeod go to jail.

TM: Alright, I won't _____ (inaudible). Um, you're making the argument you're gonna be incurring travel expenses to see your children if you don't get physical custody of those kids. You indicated they haven't been to Michigan since January when you came here for the purpose of going to court?

RAC: Yes.

TM: Well, why haven't you been to Michigan since January?

RAC: One of the things _____ (inaudible) presented is my work performance has suffered, my attendance has gone down, and I can't both maintain my job which is important for paying, meeting my obligations and fulfill that the parenting, this temporary parenting plan. I can't - - I really work. At 5:00 o'clock in the afternoon on a Friday, that means I'm driving all night and, if I'm luck, I get to Saginaw at 5:00 in the morning on Saturday where I then stay continuously away for more than 24 hours to have time with my children and, hopefully that stays, and then sleep, and then, perhaps have a couple hours of sleep, it's not a realistic parenting time.

TM: So, what's going to change in the summer time then.

RAC: What's gonna change. First of all, my children won't be 650 miles away from me, they're gonna - -

TM: You're describing it currently where you can't attend to them.

RAC: I can attend to my kids when they aren't 650 miles away. In fact, I was doing that during the summer when Melissa was abandoning them. She was in Michigan away from us, and I was full wonder dad to the children. When the children - -

TM: You're indicating that your work - -

WAB: Let him answer the question.

TM: Your work restrictions are preventing you from seeing your kids in calendar 13.

RAC: From going 650 miles to see my children.

TM: Alright.

RAC: That won't be an issue when they're less than 650 miles.

TM: And last fall when we were structuring the parenting time order, the representations were that your employment, hours were flexible, they'd work with you, they'd do whatever they could do to help you, and that's why we implemented that order. Now you're saying that's all changed and you can't see your kids.

RAC: My understanding is that the temporary order was temporary and that I - - we were going to use the one that Jill Hogenson had put together to address the logistic items which both Melissa and I during that time were in agreement on that. Let's have less logistics, less going back and forth, and longer duration.

WAB: Can I ask a question, Mr. McLeod, because I - - I'm sorry if I'm interrupting but I think I want to follow this train of thought through here. You're telling us now that at present with the kids being in Michigan and you being in Maryland, it is impossible pursuant to this visitation schedule for you to effectively utilize it, is that correct?

RAC: Correct.

WAB: So, if at some point in the future, the visitation schedule or parenting custody changes, that would be a change in your circumstances as far as what you would have to spend in order to exercise visitation, correct?

RAC: Yes.

WAB: So, as long as the visitation order is what it is and as long as you are required to come here to see the kids, you're telling us you're not going to be able to do that.

RAC: I won't be able to do that and maintain my job.

WAB: Okay, good. Um, I think from the travel expense, my initial reaction is, the travel expense should be handled at the time that either this visitation order changes, custody changes, um, you know, because it's an expense that isn't gonna be utilized until that happens, so I would - -

TJD: It don't look to the current schedule, um, I think we talked to the Judge about, is what's feasible for him is he had - - if he could come and have - - fly into Michigan on Thursday, he'd be missing a little bit of work and then go back Friday, Saturday, keep them Sunday

overnight and then bring them back Sunday at some point and take them to school. So, if he could have like - -

WAB: Bring them back where?

TJD: Back to Michigan.

WAB: How's he gonna do that?

RAC: If everyone contributes to the expenses, then you can use airplanes. And airplanes are - -

TJD: I'm talking about using airplanes, not driving.

WAB: Yeah, but, I just heard your testimony that you would have to leave at 5:00 on Friday to get here Saturday morning.

RAC: And that's correct.

WAB: And you're talking about if you fly, you're going to fly here on Thursday.

RAC: Yes.

WAB: And that you're not gonna fly back home until sometime late Monday.

RAC: I could fly with the children to Maryland.

WAB: Yeah, on Thursday.

RAC: Yeah.

WAB: Okay, and keep them Friday, Saturday, Sunday. And then do what, fly back up here on -
-

RAC: Fly back on Sunday.

WAB: Then put them in school.

RAC: Well, I don't know if I could put them in school. My parents could help with that.

WAB: Okay.

RAC: I would have to coordinate with Melissa because I don't know what her address is.

WAB: Okay. Okay.

TJD: You don't know her address?

RAC: I don't know Melissa's address. That's part of the reason I can't ship items to an unknown address.

TJD: Can we ask what her address is Tim?

TM: We'll talk about that before we leave.

WAB: Well, I think what we'll do - -

TJD: Tim, let me ask you this, does the Friend of the Court know where she lives?

TM: I think that's (inaudible)

WAB: Okay. Um, good. I think I'm pretty clear (inaudible)

TM: Alright, that's all I've got for Mr. Calice.

WAB: Are there any further questions?

TJD: I don't have any further of Tony.

WAB: Now we'll move on to Mrs. Calice. You need a break before we start? Anybody need a break or?

MJC: No, I'm fine.

WAB: Melissa, you're employed in Michigan, is that correct?

MJC: Yes.

WAB: And what is your income?

MJC: Um, it's over \$40,000, um, you should _____ (inaudible) the whole thing, I'm actually not sure, I think \$42,000?

TM: We've provided a _____ (inaudible) that annualizes it. It's just over \$42,000.

WAB: \$42,845.

TJD: What is it?

WAB: \$42,845.

TJ: \$42,845, okay so - -

WAB: Hold on, no that's not true. That's not true. I'm looking at the wrong figure.

TM: I believe it's going to be \$41,538.

TJD: What is it? Just want to make sure.

TM: \$41,538.

WAB: \$41,538. That is the one I got. Good, that clears that up. Sometimes I do better if I answer my own questions. How long have you been employed?

MJC: Um, I started working there in September of 2012.

WAB: Okay. Okay. And in Maryland you were employed?

MJC: Ah hum.

WAB: Where?

MJC: I was at the _____ of Central Maryland.

WAB: Okay, what was your pay?

MJC: Ah, \$45,700.

WAB: Okay. \$45,000. So you say you went to work in September 2012?

MJC: Ah hum.

WAB: And that would be at the \$41,538.

MJC: Ah hum.

TM: No, correction. You weren't making - - you got a raise in 2013. This is last year when you started.

MJC: Oh, sorry. I apologize. Yep, yep. I started last year and I was part time and it was about \$27,000. So from September until February 1st it was \$27,000 salary. It came out to be about \$800 every paycheck.

WAB: And then you got a raise in February?

MJC: _____ (inaudible). I wasn't full time yet.

WAB: Okay, and then you went to \$41,000.

MJC: Ah hum.

WAB: Okay. Ms. Calice, walk me through this. First you move down to Maryland, then leaving Maryland. Make me understand what happened.

MJC: Okay. Um, how much back story?

WAB: Whatever you think, as I did with Mr. Calice, whatever you think is important for me to know. I have to make a decision and the long and the short of the decision is were you justified in picking up and leaving Maryland.

MJC: Um, he started working as a consultant in the spring of 2009. Um, in my truth is that the marriage was going south then. Um the way that our lifestyle turned after that, was you know, him coming home, um, Thursday night or Friday evening and then he would leave Monday morning. He would get picked up about 5 in the morning Monday morning, and so I - - we were able to continue being married because of that. There was a very short amount of time that he had to be gone. Um, and then I was home with the kids and I was in nursing school. Um, I graduated in May 2011 and I - - part of what - - Tony wanted to move to Maryland. Tony, um, from the time we were together always wanted to live somewhere else, um, besides Michigan. Initially, I thought that was exciting and a good idea, but then after I had children I knew I wasn't going anywhere and especially with a marriage in my heart was - - I - - it was not working out. It just was not what I signed up for. Um, after I graduated, I know that I was going to have to make a decision about moving to Maryland and, against my intuition or better judgment in my gut and my blood pressure and my dreams and everything, I agreed to go to Maryland. I agreed on the condition, and I can tell you right were we were when we had this conversation because he picked me up at Metro Airport I had been in Chicago with my sister for the weekend. He and the children picked me up. Um, over our marriage I think there were probably like maybe 5 mommy get away weekends and this was one of them. He picked me up and we went to Corroba's in Novi right by the _____ mall there and we were having dinner and I said I will go to Maryland on the condition that if this doesn't work out, the kids and I can come home and you won't do anything to stop us and I want it in writing. And, he would never put it in writing. And what he said was, I don't need to put it in writing, you have my work. I don't need to put it in writing, you have my word. And then I was encouraged by my family to go to an attorney and get it in writing and I didn't do it. And I just kinda threw caution to the wind or that whole like, no I'm gonna go and give it 100% and I'm gonna go and gonna try and, um, there were many signs and indicators during that summers and like my period of packing up the house that I did by myself. Tony had some very specific ideas about what we were gonna do and what we weren't doing. I packed up that house all by myself. He was in Maryland making money and on the surface I know, yeah, he's doing his thing, I'm doing my thing, but in a more equilateral relationship, um, that would make a difference. So, okay, I knew as I was packing up the house, I knew it was a bad idea and I remember at one point thinking like I need to just - - I need to not leave the state, I need to not do this, I need to

just call an attorney about right now, this isn't gonna work. But I went and, um, he didn't help me pack, I move the house basically by myself with my mother and my two children and we went to Maryland. We got to the townhouse, and I unpacked and, um, we started living there. Um, it wasn't working. Um, sorry.

WAB: It's alright, just take your time. You're doing fine.

MJC: It wasn't working. We were getting into some really nasty fights. Um, the house - - I stayed at the house _____ (inaudible). It's just, it's like a house that was built, or a townhouse complex that was built in the late 90s where if you cough upstairs, you can hear it and it had an open stairways and the kids bedrooms are at the top of the hall, and he would be downstairs and it - - Tony's fine with me as long as I'm doing what he wants me to do. Um, but if I'm not, he's not fine with me. Um, and our fighting was getting worse and I just - - I mean, I, you know, it was never, I don't know, I know that I tried, I know that I tried. Um, I'm liking it, you know, its beautiful, lovely people, beautiful state, very expensive. Very expensive. Um, so I mean, he and I had a very, very big fight in December 2011. I was trying to kind of find my place in this new house, this new - - we're living together, we're going to have a good marriage and everything is gonna, you know, we're gonna work and what I was going to do is I was going to manage the house, the house in Royal Oak. And, um, we ended up having a very big fight because he didn't like my choice of a property manager and he, you know, it was my first time doing something. There's a learning curve any time you do something for the first time, and he was speaking to me like one would speak to an administrative assistant that they didn't respect very much and, um, sending me emails and being very direct in - - about what he wanted me to do, and I didn't do it and I was trying to do it my own way and we got into a huge fight on, it was December 8, I know it was December 8, because it's my cousin's birthday and that was the night that he told me that he - - he was at work all day and we were going back and forth on emails and I was basically saying in my email like just relax, let me handle it and he came home and he was very, very mad and he sat down and he said I just want you to know that I've never been this close to physically hitting you. And, um, we got into a huge fight were he called me - - Can I swear? I mean, it's not my word, but

WAB: If it's necessary.

MJC: Yeah, like, he called me, you know, bad names and told me I was a piece of shit and a fucking liar and, um, told me that his father was going to take over and I said, don't you dare. This is what I do. This is our house, I'm doing this. And, he said well, you know, I didn't have voice, my voice didn't matter. I didn't have a voice. And, there's no discussion afterwards. You know, it's like over. There's no - - and what would happen is if I wanted to have a happy home for my children, I would have to go and basically like make nice with him. And so I, I don't know, something clicked in me. So, I went to see Tim in December. And, I spoke to Tim - -

TM: Excuse me. Let me caution you not to talk about anything you and I talked about okay.

MJC: Okay.

TM: The fact that you saw me is fine.

MJC: I saw Tim and I went home to Maryland and I - - I went - - when I left Michigan to go home, I was gonna - - wasn't ready - - I was gonna try. And by the time we got back, back to Maryland, I was like, I just felt like a trapped animal. It was not getting better. We had, you know, another big fight in February where he told that, he said I want a divorce. Um, he told he wanted a divorce. And I - - it was just becoming very clear to me that I couldn't trust him to, um, be respectful of me or my best interests, and I didn't - - I was - - I knew that I needed to not be there with my kids. I didn't want my kids to be in that environment, I didn't want that _____ (inaudible) to be a model for my son or my daughter - -

WAB: Sorry. Let me ask you this. Shortly before you left, um, is it true you were purportedly coming back here to stay 10 days and then come home?

MJC: What do you mean by that? Like that's what I told him?

WAB: Yep.

MJC: Yeah.

WAB: Okay.

MJC: Yeah, how else was I gonna leave with my kids. He wasn't gonna let me go. And he saw what happened when I left. He was gonna, you know, he's got a larger earning potential than me, um, unless I start writing books that do really well. Um, he was gonna - - and he's mad, he was mad at me. He, um, we were going to go Michigan as a family, that was kind of the decision for Christmas. I'm sorry, for summer vacation. And he - - and I had this - - I went, um, like the beginning of July or middle of July went to Michigan for a quick weekend and I came home and he picked me up from the airport and it was like, I was like, it was just, it wasn't good. And then he and I had a huge fight the next day, um, about a stupid vacuum and I just was like, I was just like - - I just felt beaten down, I felt like a trapped animal and then I, like, I don't know, I was just like I don't have to do this. I don't have to do this. I don't have to live like this. Like, I was just getting closer and closer to being ready to do what I knew I had to do. And I knew that he has more power than me, he has more money than me. I knew that I couldn't just say dear - - you know, the kids and I are going to go back. I knew by them, I knew that he was never gonna let me do. And then he said - - first he said he didn't want us to go back to Michigan at all. He didn't want me to go back to Michigan because I was gonna miss work and I was gonna lose money, but then this is the same man who laughed at my paycheck, first paycheck from my graduate degree, so dual messages. And then he said, I don't want to go back to Michigan. So these 10 days opened up where I was going to

be able to go back to Michigan by myself with my children and leave about - -

WAB: Any questions Mr. McLeod? Mr. Demetriou?

TJD: Yes. So Melissa, you left for Maryland with the intention you weren't coming back?

MJC: Yes.

TJD: And you didn't tell him before you left?

MJC: I couldn't.

TJD: And it was resuscitation of the time period as far as when you told him is that right, that you didn't tell him you weren't coming back _____ (inaudible)?

MJC: That dates are wrong, but - -

TJD: August 10th or whatever. Is that right though?

MJC: The dates are wrong.

TJD: Okay, but here's my questions. On the date you were supposed to come back, whatever date that was in August, he says he called you and what he seemed to say was you were beating around the bush and then finally at some point, the day you were supposed to come back, that's when you told him you weren't coming back?

MJC: I was coming to talk to his face.

TJD: I'm sorry.

MJC: I was coming to tell him to his face.

TJD: But not to come back to live in Maryland?

MJC: No.

TJD: Okay. You told him that. So, he knew that?

MJC: Yeah, I told him on the phone. My intention was I didn't want to tell him over the phone. I felt that was undignified. I wanted to tell him to his face.

TJD: Why didn't you tell him before you left the State of Maryland that you weren't coming back?

MJC: He never would have let me take the children.

TJD: I'm sorry, what?

MJC: He never would have let me take the children.

TJD: So, you could have filed for divorce in Maryland, right?

MJC: Um - -

TJD: You could have filed for divorce there and - -

MJC: I'm not from Maryland.

TJD: You were living there since October, right?

MJC: No, please trust me on this, he was never going to let me out. He didn't want - -

TJD: So from October to August you were testing Maryland or testing the relationship?

MJC: I flew to Maryland to see if the relationship was gonna work. I couldn't even think - -

TJD: You said you like Maryland so all of the sudden you decided you didn't like Maryland?

MJC: If I can remove myself from my situation, Maryland's a beautiful state. I don't know if _____ (inaudible)

TJD: So, you didn't tell him because you thought he wouldn't let you leave the state to come back to Michigan with the kids. That's why you didn't tell him, correct?

MJC: Yeah.

TJD: Okay, so you're saying you didn't tell him until that day he said you were supposed to come back. That's the first he knew.

MJC: Yes.

TJD: Okay, and then did you come back to Maryland in August?

MJC: Yes I did.

TJD: How long were you there?

MJC: Um, August 13.

TJD: Til when?

MJC: I left on August 17.

TJD: Okay, and where did you stay?

MJC: At the _____ house (inaudible).

TJD: I'm sorry.

MJC: At different hotels.

TJD: Like which ones.

MJC: Oh God, um, pricelined one for 2 nights with my sister and it was down in Mt. Washington, um, it was a little _____ (inaudible) in Baltimore. And then I stayed at the Radisson in Telson. Pricelined that as well. And then, on my way out of Maryland, I stayed in Frederick. I was hoping that I would be able to go back to the house.

TJD: Why didn't you?

MJC: Didn't feel safe going back to the house.

TJD: Because?

MJC: Because he was there with his brother, and - -

TJD: So.

MJC: Well, we talked, um, the night of the 13th and we talked on the 14th. And then, on the 15th there was definitely, ah, there was a silence and there was like just going by text. It was obvious that his attitude towards any conversation with me was changing and that he was becoming angry.

TJD: Because you took his kids and left them in Michigan, right?

MJC: Yeah.

TJD: Yeah, okay. Now, did you quit your job during that period of time?

MJC: No.

TJD: Did you work you job?

MJC: Yeah, I quit my job before - - I quit my job when I was driving from Michigan to Maryland. I talked to my boss on the phone.

TJD: Okay. Did you have to sign a written notification that you were terminating your employment?

MJC: Um, well I continued my vacation but I gave my two weeks.

TJD: Okay, and so what was your actual last date of employment?

MJC: 17th was the last - - oh, I'm sorry, the 16th. I worked until probably 11:00 o'clock at night on the 16th.

TJD: 16th of August. So you came back into town, worked a couple of days?

MJC: I was trying to - - with - - I was trying to do the right thing in a really uncomfortable situation. Talk to him face to face. He did not want that to happen, so that's why I didn't go to the house that night. He asked me to not come to the house. Um, and then to finish my job in a respectful way. So, did they let you leave before the two weeks notice was up? Or would you say that driving back to Michigan - -

WAB: Let me just offer up something. My recommendation is going to impute some income to her.

TJD: Okay, that's fine. Thank you, I appreciate that. Um, getting back to, um, he was there with his brother. While you were there, you had already told him in Michigan you weren't coming back, correct?

MJC: No, I didn't tell him in Michigan I wasn't coming back. _____ (inaudible).

TJD: I'm sorry.

MJC: I wasn't in Michigan when I told him I wasn't coming back. That's what you just said. I must have misunderstood.

TJD: Oh, you were in Maryland when you told him that you weren't coming back?

TM: She was driving back to Maryland.

MJC: I was driving east on 80/90.

TJD: You were driving east and that's when you told him you weren't coming back. You were actually in your car.

MJC: Ah, hum.

TJD: Coming back to Maryland.

MJC: I don't understand what your question is.

TJD: My question is when you told him you weren't coming back - - and I'm sorry for confusing you. Where were you when you said I'm not coming back?

MJC: I'm not coming back in what way?

TJD: Not coming back with the kids to Maryland.

MJC: Permanent or temporarily?

WAB: She was driving on 80/90.

TJD: You were driving on 80/90 back to Maryland without the kids?

MJC: Correct.

TJD: And that's when you told him I'm not bringing the kids back?

MJC: I - - yeah, because he said please - - I know

TJD: Okay, I'm sorry. I thought you were somewhere at a home in Michigan.

MJC: No.

TJD: When you told him you weren't coming back with the kids. I'm sorry/

MJC: My intention was to drive to Maryland and speak to Tony and tell him that I filed for separation.

TJD: I understand. I understand that. Was that on that same trip back you told your boss you were quitting.

MJC: No.

TJD: When did you tell your boss you were quitting?

MJC: When I was driving to Michigan.

TJD: That's what I mean, same day?

MJC: No.

TM: When she was driving to Michigan.

TJD: When you were driving to Michigan. Oh, okay, I'm sorry. You're driving to Michigan,

you called your boss and talked to him or her and said I'm coming back.

MJC: Ah, hum.

TJD: And then you went back, but worked a couple of days. Is that what I'm hearing you say?

MJC: Well, on the phone I gave them two weeks.

TJD: Yes, but you didn't work the two weeks, correct?

MJC: Well, I didn't work the two weeks. I had the two weeks and I, I mean, I didn't put in 40 hours but I worked a little bit from my vacation and then I went there and as I prepared to transition, I mean, I was starting, I was kind of the first person to take this position, so there was a big huge learning curve in the months that I was there so what I said to my boss was I'm going to write a manual or do a manual so whoever shows up will not have to repeat the learning curve that I just did.

TJD: Did you do it on your computer?

MJC: Telson.

TJD: I'm sorry.

MJC: The office in Telson.

TJD: The office in Telson.

MJC: My office in Telson, Maryland, yes.

TJD: Okay, and you did that for how many days?

MJC: Well, I just told you. 16th until about 11:00 o'clock at night.

TJD: So how many days was that?

MJC: The 14th, 15th, and the 16th.

TJD: So you didn't work for two weeks actually. You didn't work 14 calendar days after you gave your notice.

MJC: Fourteen. Ten business days, but - -

TJD: You just gave your notice - -

MJC: I'm sorry. I'm not understanding - -

TM: I think, Tom, what she is saying is when she was driving to Michigan she called work and said I'm gonna terminate my position.

TJD: Right.

TM: She comes to Michigan, spends her time in Michigan, then drives back and finishes up whatever she was doing.

WAB: And works for three days - -

MJC: During my time in Michigan, I was gathering my thoughts and assembling what I was going to put in this transition journal for the next person who had my job.

TJD: He said - - he told me you said that, you said something about you wanted to come and take some things from the house and you wanted him to keep the house open and you didn't want him there. Correct?

MJC: Well, at first - -

TJD: Is that right?

MJC: No that's not right.

TJD: So you didn't ask - - when you came to Maryland then, did you drive?

MJC: Yeah.

TJD: And you drove your vehicle that we've been talking about, the SUV? So, when you were in Maryland, you made no attempt to take anything back with you when you - -

MJC: No. It was, man, it was not available to me to go over to the house. It was not - -

TJD: Okay, so you didn't try, correct?

MJC: My intention was to go. I said - - and I have all the text messages because at this point Tony and I started to communicate sheerly by text after that conversation on the 14th. We just started communicating by text messages. And, um, it was apparent by the change of Tony, his text message, that I would be entering a hostile environment with this. I mean, you were in no man's land here. I just filed for separation and the kids were Michigan and then once his brother came to town. Nothing is Rob, Rob's a lovely person. Nothing against Rob, but and I think it's relevant, it's my observation as his wife, that his demeanor changes when people are around. Um, _____ (inaudible) and there was no way I was going over there by myself with Tony and Rob. It just - - I was not going to do to myself. I was not going to put myself in that position.

TJD: When you left for Michigan, what did you take of your? He said you took two computers and an iPad.

MJC: I took my personal laptop, I took my personal iPad, I took my telephone, I took my camera, and I took my video camera.

TJD: Take your checkbook?

MJC: Ah, probably.

TJD: Take the bank book with your inheritance or your checking book, did that come?

MJC: No.

TJD: You left that in Maryland?

MJC: I don't know, maybe. I don't know.

TJD: You don't remember taking it. What else did you take, your own clothing, you took the children's clothing?

MJC: I took summer clothing. I took, um, some - - I took my _____ (inaudible).

TJD: You were afraid to go over because it was "a hostile environment"?

MJC: Oh, yeah.

TJD: Okay, is it your testimony that he has physically assaulted you during this period?

MJC: No, he never did, he never did.

TJD: So what were you fearful of? He was gonna yell at you because you stole his children?

MJC: No, no.

TJD: What were you afraid of?

WAB: Mr. Demetriou, I think that's argumentative. Um, and the other thing is I thought we had agreed we were going to take a few minutes here and see if we've got this property resolved. If not, we can - -

TJD: Well, I've made an offer but Tim said he didn't want to talk about it today. That's what he just said.

TM: What I'm saying is make an offer - -

WAB: I believe, hey, gentlemen, gentlemen, I believe I instructed you, ah, that we will go through the issues that are before me, that we were going to take a couple minutes and see if we can get it resolved. I believe by stipulation, you both referred the matter of personal property to me for a decision.

TJD: Correct. So, I'm seeking an offer. If it's accepted, I don't have to ask any more about it.

WAB: And that was at a time when Mrs. was not here yet. Mr. McLeod needs a few minutes to talk to her about it and then we'll deal with the issue. If it's resolved, more power to everybody. If it's not, then we'll take this testimony.

TJD: Well, the only way it could be resolved today is if we're gonna have a later claim that she went there with her mom in her rental truck or something when because of his fault she couldn't bring this stuff - -

WAB: Let's not - -

TJD: I don't have to get into all of this.

WAB: Let's not anticipate that news. Let's take a few minutes here.

TJD: Okay.

WAB: Do you have any other questions for Mrs. Calice that deal with the issue of leaving Maryland or financial?

TJD: Ah, yeah. How did you guys end your finances when the two of you married? Did you put your money in a joint account the two of you when you started working?

MJC: Yes.

TJD: Okay.

MJC: Well, no. They weren't all joint accounts. I had one that I had for the house and the children. Um, and then Tony - - then we had one that was for bills that Tony would take money from. So it was never done very well.

TJD: You know, when you did leave and you indicated you didn't intend to come back, but when did you make this decision you weren't going to come back if you went to Michigan for a summer vacation. When did you decide that?

MJC: When did I decide that I wasn't going to return?

TJD: Yeah.

MJC: Well, I mean, I decided that two weeks before I left but then thank God he didn't ask me to come back because if he had, I felt terrible about it, I didn't want to have a marriage that ended. I didn't - - this isn't what I signed up for.

TJD: I believe you said that, but my question is when did you decide you were not going to come back?

TM: Tom, she just said she thought two weeks before she left.

TJD: Okay two weeks before - -

TM: Same thing, I thought I heard her say to Mr. Brisbois recently.

TJD: So you're saying you decided two weeks before you went on vacation you were not coming back with the kids, is that right? Or maybe you told him that before you left?

MJC: Tony?

TJD: Yeah.

WAB: Mr. Demetriou, we've been over this once already.

TJD: Okay, that's fine. So, and you want me to get into what happened in December when she came with her mom?

WAB: We can do that if we don't come to an agreement. Let's take a recess for about five minutes. Um,

TJD: Tony and I can leave the room, they can stay here and talk.

TM: What I am going to propose if nobody has any objection we take a short recess and then allow Melissa and I to talk to Bill about resolving a few things on the table right now. You can do the same thing if you'd like to.

TJD: Okay.

TM: And we'll see if we can wrap this up.

TJD: Here's the proposed Order if you want it.

WAB: Alright, so I understand counsel. The two of you agreed that Mrs. Calice and Mrs. McLeod will have an ex parte communication with me and then Mr. Demetriou and Mr. Calice will have an ex parte communication about some issues that you both believe need resolution, is that correct?

TJD: Yep.

TM: Absolutely.

WAB: Okay.

BACK ON THE RECORD AFTER BREAK

WAB: Alright, we're back on the record in the matter of Calice vs. Calice. I've had an opportunity to talk to both counsel and to the parties ex parte. We have reached an agreement as far as the personal property is concerned. Mr. Calice will make arrangements with a commercial carrier to ship the personal property back here to Mrs. Calice in Michigan. He will pay for that shipment to take place. I will have a proposed order to the court as it relates to child support and spousal support. Mr. Calice will receive a credit against any arrearage that has accumulated as a result of that order for 30% of the moving costs. Mr. Calice will take the steps within the next week or two to have that done and shipped up here to Mrs. in Michigan. Also, we've had some discussions, although outside the parameters of the referral to a special master, the parties have agreed that visitation will take place beginning Thursday at 4:00 o'clock. Mr. Calice will pick up the children from Mrs. Calice. That pick up will take place at 2635 Haenlein Road here in Saginaw. Mr. Calice will pull up into the driveway, honk the horn, the two children will come out with their clothing for the next four days, get in the car. There will be no contact between Mr. And Mrs. If there are any questions or any contact that needs to take place, it can be done by a text. Then on Sunday at 3:00 o'clock, Mr. Calice will bring the children back to the Haenlein address, will text Mrs. as to his arrival, it should be at 3:00 or maybe a little after or a little before. They will reverse the process. The children will be escorted out of the car, Mr. Calice will stay at the car, Mrs. Calice will be at home, the kids will come in the house. We've also had some talk about Mrs. Calice. I don't want you to talk to the kids about the fact. Just simply tell them their daddy's here in Michigan and that they're gonna go spend some time with him and have some fun. Mr. Calice is going to do the same thing in terms of where have you been. Well, I live in Maryland now, it's really hard for me to get here. Okay. As I've - - Mr. Demetriou agrees and I know Mr. McLeod will agree, any sort of talk about anything out of those parameters I guarantee at some point those kids will tell the Judge straight with an interview that happened and this Judge particularly does not like the children being involved. So, with that, I think we have today's hearing wrapped up. I will get an economic recommendation and proposed order out. The two of you have come to an agreement as far as the property is concerned. It is my understanding I will reserve the authority to hear any problems with the property if those should arise. Otherwise, Mr. Demetriou you can revise the order if you would be kind enough to do that to reflect the procedure and the amended percentages.

TJD: I just have a - -

TM: Question, where are the kids going to be?

WAB: Oh, where will visitation take place Mr. Calice?

RAC: Um, in Troy and then Torch Lake.

WAB: Okay, so if I'm recalling correct. You have family in Troy, your parents?

RAC: Yeah.

WAB: And then Torch Lake is a cottage?

RAC: Yep.

WAB: Is that your parents' cottage?

RAC: It is.

WAB: Alright. And Mrs. Calice certainly knows where those two places are.

MJC: If he's going to do it at Torch, we can meet on the grounds, we don't have to meet at the house. Then I'll just go up north and we can meet in Grayling and I'll take the kids because I was going up north with them anyways.

WAB: That would be more convenient.

MJC: And would that be for like on Sunday.

WAB: Sunday.

MJC: Yeah, Sunday.

WAB: Sunday at 3:00. Where would you like to meet in Grayling? Okay, where would you like to meet in Grayling?

MJC: There's a McDonald's right there.

WAB: Meet at the McDonald's 3:00 o'clock.

RAC: That would be great.

WAB: Good. Save you both some driving. That will work. Alright, with that - -

TM: Tom, you're going to do an order on the personal property?

TJD: Yes.

TM: And make reference to the procedure we talked about earlier with Bill as far as okay. Are you going to reference the parenting time we just talked about in your order?

TJD: I can.

TM: Okay. Alright.

MJC: And what list are we going off of.

WAB: Yeah, the December list in the center. We start there. Mr. Demetriou, I would ask you to do the order in two separate orders. One is pursuant to this hearing, that is the property portion of it that was set by stipulation here, the other one is by stipulation of the parties cause I was specifically precluded from doing anything with that.

TJD: Okay, parenting time for this weekend.

TM: If you want to include in there, Tom, and agreement to sell Royal Oak. That parties have agreed to that and will retain a listing agent.

MJC: Whose going to retain a listing agent.

TM: We'll find somebody. One of us will find somebody.

MJC: And the dog's not on the December list.

WAB: The dog. Tell me about the dog.

RAC: She is a highly trained 30 lb. mutt.

WAB: Is she your dog? Is she Melissa's dog? Is she the kids' dog?

RAC: She's my dog and, you know.

WAB: Why did you get the dog?

RAC: Ah, well, I guess um Melissa didn't take him is one reason but then, you know, sometime _____ (inaudible).

WAB: Answer a question, was it the kids dog?

RAC: No, we had it before the kids were even born.

MJC: We got it while I was present with Rocco.

RAC: But I do think we need two dogs.

TJD: Two dogs?

RAC: Well, a Michigan dog and a Maryland dog.

WAB: Alright. That's something you gentlemen are going to have to work out for your clients.
The dog was not part of my referral.

TJD: No, it wasn't.

WAB: Thank you.